

**NOT FOR PUBLICATION**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

ZEV AND LINDA WACHTEL, *et al.*,

Plaintiffs

V.

GUARDIAN LIFE INS. CO., *et al.*,

Defendants.

Civ. Docket No. 01-4183  
Hon. Faith S. Hochberg, U.S.D.J.

RENEE MCCOY, individually and on behalf of all others similarly situated,

Plaintiffs

V.

HEALTH NET, INC., HEALTH NET  
OF THE NORTHEAST, INC., and  
HEALTH NET OF NEW JERSEY, INC.

Defendants.

Civ. Docket No. 03-1801  
Hon. Faith S. Hochberg, U.S.D.J.

## OPINION & ORDER

Date: August 4, 2005

**HOCHBERG, District Judge:**

This Matter comes before the Court upon Defendants’ motion to stay proceedings in this Court pending a decision by the United States Court of Appeals for the Third Circuit on Defendants’ Rule 23(f) appeal.

This Court having reviewed the written submissions of the parties pursuant to Fed. R. Civ. P. 78, and

it appearing that the Court denied Defendants' motion for a stay in Orders dates October 12, 2004, January 11, 2005 and March 8, 2005, and

it appearing that there has been no showing by Defendants sufficient to warrant a stay at this time.

**IT IS** on this 4<sup>th</sup> day of August, 2005,

**ORDERED** that Health Net's motion to stay proceedings is **DENIED**, and it is further

**ORDERED** that the trial date of September 19, 2005 and the trial preparation conference of September 8, 2005 are **ADJOURNED**. All Court Orders and deadlines shall remain in full force and effect. The parties shall submit their pre-trial submissions in accordance with the dates set by Magistrate Judge Shwartz at the May 10 and July 11, 2005 final pre-trial conferences and shall be prepared to go to trial on seven (7) days' notice as of September, 19, 2005.

/s/ Faith S. Hochberg  
Hon. Faith S. Hochberg, U.S.D.J.